IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

Regular Second Appeal No.92 of 2006.

Date of decision:17.03.2006.

Dumnu Ram & Another **….Appellants**

Versus

Budhi Devi & Others **….Respondents.**

Coram

The Hon'ble Mr.Justice K C Sood,J.

Whether approved for reporting ?[1]

For the Appellants: Mr.G.R.Palsra, Advocate.

For the Respondent:

K C SOOD,J.(Oral)

The only question raised in this second appeal is: *Whether the plaintiffs-appellants are in adverse possession of the land, subject matter of dispute?*

Both the Courts concurrently found that the plaintiffs-appellants are not in adverse possession of the land and in-fact, the plaintiffs have admitted the possession of Budhi Devi's grand-son. Both the Courts observed that the plaintiffs have not led any convincing evidence to show their adverse possession over the suit property or any part thereof. In-fact they are in possession on a very small part of the suit property.

Learned counsel, faced with this situation, urged that atleast the possession of the plaintiffs may be protected.

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement***?

The submission is misplaced. Even assuming the appellants are in possession of the property, but such possession being unlawful, cannot be protected by injunction against the true owners.

No question of law much less substantial question of law arises in this appeal.

Dismissed.

CMP No.124 of 2006.

In view of the orders passed in the main appeal, this application does not survive. The application is disposed of.

March 17, 2006 **(K C Sood)**
(aks) **Judge**